

SCOPE OF WORK TEMPLATE

Between the Land Buy-Back Program for Tribal Nations and the Participating Tribe

OVERVIEW. This Scope of Work Template describes essential roles, responsibilities, functions, activities, and deliverables necessary for the successful implementation of the Land Buy-Back Program for Tribal Nations¹ (Buy-Back Program, the Program) and the acquisition of fractional interests in trust or restricted land (Fractional Interests).

For each land consolidation phase: Outreach, Land Research, Valuation, and Acquisition; and phase-specific task described below, there is a box that the Participating Tribe² may check – following initial discussions, joint planning, collaboration, and consultation with the Buy-Back Program – to identify the level of tribal involvement. The Participating Tribe will perform the identified tasks in collaboration with the Buy-Back Program and in accordance with the terms and conditions of the Cooperative Agreement³. If specific phases or tasks are not checked, the Buy-Back Program will perform the work necessary in consultation with the Participating Tribe.

The Participating Tribe, in coordination with the Buy-Back Program and pertinent technical experts, will also develop detailed Statement(s) of Work specific to each phase. These documents are subject to review and approval by the Buy-Back Program as part of the Cooperative Agreement application process.

Performance Timeline Summary

PHASE	Start Date	End Date
Outreach Phase		
Land Research Phase		
Valuation Phase		
Acquisition Phase		

¹ The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations on December 17, 2012 to implement the land consolidation program called for by the Settlement Agreement in Cobell v. Salazar, as confirmed by the Claims Resolution Act of 2010, Public Law 111-291.

² An eligible tribe seeking to enter into Cooperative Agreements with the Buy-Back Program to assist in implementing land consolidation activities.

³ A Cooperative Agreement is a type of financial assistance award.

The Outreach Plan will be submitted by: _____ [Date]

Appraisals will be completed and submitted for review by: _____ [Date]

The target date for mailing Offer Packets is: _____ [Date]

Owners⁴ will return the Offer Packets by mail to the BIA by: _____ [Date]

PHASE I - Outreach. The success of the Buy-Back Program will depend largely on the number of the Owners who voluntarily decide to sell their Fractional Interests and return accurate signed acquisition documents in a timely manner.

Tribal leadership, dedication, and involvement in the Outreach Phase are especially critical and important. The Participating Tribes can, for example, describe and explain tribal priorities and other community goals that may be facilitated by the purchase of Fractional Interests.

The overall goals of the Outreach Phase include the following: 1) educate Owners about the Buy-Back Program to help facilitate acquisitions; 2) obtain current mailing addresses for Owners, including those whose whereabouts are unknown (WAU); 3) notify all eligible Owners of the opportunity to sell their interests; 4) provide information and answer questions; and 5) identify Owners willing to sell.

The Outreach phase consists of several components:

1. Develop Outreach Plan
2. Identify Addresses and Update Owner Contact Information
3. Notify Owners, including WAU Owners
4. Identify Interested Sellers
5. Conduct Pre-Offer Outreach
6. Conduct Post-Offer Outreach

⁴ Landowners of purchasable Fractional Interests.

Phase I – Outreach

Task: Outreach



Check if the Participating Tribe will perform this task as part of the Cooperative Agreement.

Participating Tribe's Point of Contact (POC):

Name:

Title:

Address:

Phone number:

Email address:

Start Date: _____

End Date: _____

Buy-Back Program POC Name & Title:

Name:

Title:

Address:

Phone Number:

Email Address:

Key components of the Outreach Phase that need to be addressed include:

1. Outreach Plan Development. The Outreach Plan will be developed and implemented in collaboration with the Participating Tribe, the Buy-Back Program, the Bureau of Indian Affairs (BIA), the Office of Special Trustee for American Indians (OST), and potentially other tribes. The Outreach Plan should identify the cooperative roles of those entities and describe in detail the dates, specific outputs, and performance goals for outreach activities, such as: 1) mailings; 2) radio, TV, and/or news advertisements; 3) outreach events; and 4) landowner workshops.

The Outreach Plan should be structured so that it will provide information to educate Owners about the Buy-Back Program, its processes and requirements, and all land consolidation phases (Outreach, Land Research, Valuation, and Acquisition). The Outreach Plan should provide intensive detailed information regarding how to complete an Offer Packet, the length of time the offers are valid, and the limited time in which the Program will be active at the Participating Tribe's reservation (Reservation). The Outreach Plan should also identify, gather, and share a list of frequently asked questions so that outreach messages and materials can be tailored specifically to

issues related to the Reservation and ensure that Owners have accurate and complete information.

If there is a delay between the initial outreach efforts and the delivery of the Offer Packets, the Outreach Plan should also outline how the Participating Tribe will follow-up with Owners to ensure interest continues in the Buy-Back Program and Owners are ready to receive the Offer Packets.

The Outreach Plan should also identify the steps necessary to include in outreach efforts Owners with Fractional Interests on the Reservation who do not reside on the Reservation. Joint outreach planning and close collaboration between the parties will facilitate accurate, timely responses to Owner inquiries and allow for all parties to prepare for the anticipated workload at specific locations and to ensure an adequate amount of outreach materials are available.

2. Identify Addresses and Update Contact Information. Updated contact information is critical to the Buy-Back Program so that offers and other information can be provided to Owners. This requires the updating, and where available, the sharing of Owner names and contact information on a periodic basis. This would include names, mailing addresses, and telephone numbers in a manner that will enable OST and BIA to verify and update the appropriate trust systems.
3. Notify Owners, including WAU Owners. The activities of this task are intended to identify and share “Name and Address” data held or managed by the Participating Tribe to help identify Owners with Individual Indian Money (IIM) accounts coded as WAU. Sufficient information should be provided to identify the accountholder and update the address.

If available, the Participating Tribe will provide the last known address, or facilitate contact with the Owner as appropriate, to ensure that current mailing addresses are provided to the Trust Beneficiary Call Center (TBCC) in order to maximize the number of purchases and reduce or eliminate the number of WAU Owners. Attempts to locate those Owners whose Offer Packets are returned as undeliverable will be made.

The Participating Tribe will also be required to fulfill the WAU notification requirements⁵ identified in the Cobell Settlement.

4. Identify Interested Sellers. The Participating Tribe will work to identify interested sellers and provide this information to the Buy-Back Program.

5. Conduct Pre-Offer Outreach. This task will publicize and explain the Buy-Back Program to:

- ensure that Owners are aware of the opportunity to sell Fractional Interests before the BIA mails Offer Packets to Owners;
- describe how valuation and other work is performed to identify the offer amount;
- communicate the limited response time; and
- ensure that Owners understand the benefits, options, and important considerations involved in the decision to sell.

This outreach can be accomplished in a number of ways, including written and electronic material, community meetings, landowner workshops, direct mailings, webpage, radio, newspaper and/or television advertisements, etc., as specified in the Outreach Plan.

6. Conduct Post-Offer Outreach. Once Offer Packets are mailed by the BIA, the Participating Tribe will provide timely follow-up on any questions received from Owners and provide notary services for Owners for completion of Offer Packets. The Participating Tribe will develop alerts to remind Owners through various media and outreach efforts about approaching deadlines for returning the conveyance documents (Deed and Purchasable Interest Inventory) in the event the Owner wants to sell.

To facilitate this task the Buy-Back Program will provide:

⁵ The requirements are listed in the Class Action Settlement Agreement dated December 7, 2009, as modified. http://www.indiantrust.com/docs/sa_1_19_11.pdf

- Current listing of the fractionated tracts of land (Fractionated Tracts),
- Owners name and address database,
- Estimated timeframes for Buy-Back Program activity at the Reservation, and
- Copies of outreach materials already developed to minimize unnecessary duplication of effort.

PHASE II - Land Research. The goal of the Land Research Phase is to compile and prepare the necessary information about the Fractionated Tracts and surrounding lands in order to be ready to determine the fair market value of the lands in an efficient and timely manner. The Land Research Phase consists of several tasks the Participating Tribe may perform. For each of the project requirements, data standards and formatting must be carefully planned and/or coordinated with the Buy-Back Program, Office of Appraisal Services (OAS), or Office of Minerals Evaluation (OME) for tasks within the Land Research Phase and in the development of a detailed Statement of Work. If the Participating Tribe does not perform these tasks, the Buy-Back Program will perform the necessary functions at the Reservation. These tasks include:

1. Base Mapping
2. Land Use Characterization
3. Comparable Sales Information
4. Minerals Evaluation

Phase II – Land Research		
Task: Base Mapping <div style="border: 2px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> <p>Check if the Participating Tribe will perform this task as part of the Cooperative Agreement</p>	<u>Participating Tribe's POC:</u> Name: _____ Title: _____ Address: _____ Phone number: _____ Email address: _____ <u>Buy-Back Program POC:</u> Name: _____ Title: _____	Start Date: _____ End Date: _____

	Address: Phone Number: Email Address:	
	<p>The Base Mapping Task will provide the Buy-Back Program with accurate, up-to-date GIS mapping of the Reservation, to include mapping of Tribal and Allotted ownership tracts. This will include the development of polygons and the associated shape files and geodatabase for tracts and parcels of the Reservation. Quality control measures such as automatically checking for overlapping parcels and other discrepancies will be used to assist in the development of an accurate dataset. Specific Federal government mapping, data standards, and formats must be met and will be carefully planned and/or coordinated with the Buy-Back Program to ensure compatibility, reliability, and defensibility. Use of, and familiarity with, ArcGIS and Federal mapping standards is a requirement under this task.</p> <p>Existing map products should be utilized to the fullest extent possible. For this task, the Buy-Back Program will provide, if necessary, a current listing of the tracts and parcels that require mapping along with the legal description for each tract and parcel as it currently exists within BIA's Trust Asset and Accounting Management System (TAAMS).</p>	
Task: Land Use Characterization <div style="border: 2px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> Check if the Participating Tribe will perform this task as part of the Cooperative Agreement	<u>Participating Tribe's POC:</u> Name: Title: Address: Phone number: Email address: <u>Buy-Back Program POC:</u> Name: Title: Address: Phone Number: Email Address:	Start Date: _____ End Date: _____

	<p>The Land Use Characterization Task will provide the Buy-Back Program with current land use status (e.g., dry crop, irrigated crop, pasture, etc.) or type (soil type, etc.) along with associated acreages and other physical characteristics (e.g., access, water, multi-parcel, etc.) for the Fractionated Tracts. The land information from various sources will be verified, combined, and acreage percentages calculated within an ArcGIS environment. This information will be used primarily by OAS as a factual basis for determining the highest and best use and value of Indian trust lands. Project requirements, data standards, and formatting must be carefully planned and/or coordinated with OAS for this task. Use of and familiarity with ArcGIS is a requirement under this task. Various sources of readily available information will be used in order to assign land use types to each parcel within the Fractionated Tracts and quality checks of these data sources to ensure reasonable accuracy and consistency will be necessary.</p> <p>For this task, the Buy-Back Program will provide a current listing of the Fractionated Tracts requiring land use characterization, the ArcGIS shapefile of these tracts/parcels, the Farm Services Agency's Common Land Use (CLU) shapefiles (if lands are in agricultural production), and the TAAMS tract acreage data. All work performed under this task will require the review and approval of OAS.</p>	
<p>Task: Comparable Sales Information</p> <div style="border: 1px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> <p>Check if the Participating Tribe will perform this task as part of the Cooperative Agreement</p>	<p><u>Participating Tribe's POC:</u> Name: Title: Address: Phone number: Email address:</p> <p><u>Buy-Back Program POC:</u> Name: Title: Address: Phone Number: Email Address:</p>	<p>Start Date: _____</p> <p>End Date: _____</p>

	<p>The Comparable Sales Information Task results in a database of recent land sales for the Reservation, and identifies and verifies the various characteristics of the sales. This information will be used in the valuation of the Fractionated Tracts. Project requirements, data standards, and formatting must be carefully planned and/or coordinated with OAS for this task. All work performed under this task will require the review and approval of the OAS.</p>	
<p>Task: Minerals Evaluation</p> <div style="border: 1px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> <p>Check if the Participating Tribe will perform this task as part of the Cooperative Agreement</p>	<p><u>Participating Tribe's POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone number: _____</p> <p>Email address: _____</p> <p><u>Buy-Back Program POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p> <p>Email Address: _____</p>	<p>Start Date: _____</p> <p>End Date: _____</p>
	<p>The Minerals Evaluation Task assesses the potential for viable mineral resources within the Reservation. The activities associated with this task include researching the various information available about the geologic resources that may or may not exist on or near the Reservation and evaluating the potential for the economic development of the resource. The estimated minerals contribution to the value of the parcel in the case of combined estate parcels (i.e., combined surface and mineral estate) and the estimated minerals contribution to the value of the estate (i.e., minerals estate only parcels) will be determined. This information will be used by OME and the OAS in the value of Indian trust lands.</p> <p>Project requirements, data standards, and formatting must be carefully planned and/or coordinated with OME for this task. Use of, and familiarity with ArcGIS is a requirement under this task. Various sources of</p>	

readily available information will be used in order to evaluate the mineral resources of the Reservation and quality checks of these data sources to ensure reasonable accuracy and consistency will be necessary. All work performed under this task will require the review and approval of the OME.

For this task, the Buy-Back Program will provide a current listing of the Fractionated Tracts requiring mineral evaluation, the ArcGIS shapefile of these tracts/parcels, and the available public data concerning the mineral resources of the Reservation available to OME.

PHASE III - Valuation. The success of the Buy-Back Program will depend on timely, credible, and defensible appraisal services that are well supported with market evidence. All the appraisals conducted under the Buy-Back Program must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). OAS, with the support of OME, will be the primary responsible parties for completing all valuation work necessary to determine the fair market values for the Fractionated Tracts to be acquired through the Buy-Back Program.

The goal of the Valuation Phase is to value as many lands as possible so that purchase offers can be made to the maximum number of individuals for the purchase of as many of the Fractional Interests as possible (up to the Purchase Ceiling), and to include as many of the Fractional Interests within the Reservation that are priorities for potential purchase as possible. Appraisals should be completed by a specific date to make sure that Owners receive a single Offer Packet that includes as many of their Fractional Interests as possible.

For efficiency, the Valuation Phase is automated and will rely upon mass valuation methods to the fullest extent possible. Other, more intensive appraisal work, such as conventional individual appraisals, may occur to the extent permitted by available resources and time constraints.

Appraisal information will be maintained in TAAMS and the OAS Information System (OASIS) for administrative efficiency and tracking. Due to limited access to DOI systems, the Buy-Back Program may perform this step more efficiently and cost-effectively than Participating Tribes (or other entities), especially for those without access to such systems.

The Participating Tribe may perform one or more of the various, specific tasks related to the Valuation Phase. Project requirements, data standards, and formatting must be carefully planned and/or coordinated with the Buy-Back Program and the OAS for tasks within the Valuation Phase, and in the development of a detailed Statement of Work specific to each task. In the absence of a Participating Tribe electing to perform these tasks, the Buy-Back Program will perform all of these functions at the Reservations where acquisitions are occurring. These tasks include:

1. Mass Valuation
2. Project Appraisal Reports
3. Conventional Individual Appraisals

Phase III – Valuation		
Task: Mass Valuation <div style="border: 1px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> Check if the Participating Tribe will perform this task as part of the Cooperative Agreement	<u>Participating Tribe's POC:</u> Name: _____ Title: _____ Address: _____ Phone number: _____ Email address: _____ <u>Buy-Back Program POC:</u> Name: _____ Title: _____ Address: _____ Phone Number: _____ Email Address: _____	Start Date: _____ End Date: _____
<p>The Mass Valuation Task will provide the Buy-Back Program with accurate, up-to-date appraisals of the tracts/parcels on the Reservation that are amenable to mass appraisal valuation. Mass appraisal will only be used in those situations where the real estate appraisers have determined there is a high level of homogeneous land use types (pasture, dry crop, recreational, rural residential, etc.), highest and best use, and same array of market data. Before performing mass appraisal, the Fractionated Tracts to be appraised must be researched to determine if they are amenable to mass appraisal valuation methods and reporting. The mass appraisal model(s) developed must be reviewed and approved by OAS. In addition, all appraisals developed through mass appraisal will require OAS review and approval and must meet USPAP standards. Documented mass appraisal expertise and experience will be necessary to effectively perform this task.</p> <p>Project requirements, data standards, and formatting must be carefully planned and coordinated with OAS to</p>		

	<p>help ensure that appraisals are prepared in accordance with USPAP and that deliverables will be compatible with OASIS. Appraisal timeframes must be coordinated with OAS to provide fair market value estimates that are consistent with the acquisition schedule.</p> <p>For this task, the Buy-Back Program will provide a current listing of the tracts and parcels that require appraisal along with the legal description for each parcel as it currently exists within TAAMS.</p>	
<p>Task: Project Appraisal Report</p> <div style="border: 1px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> <p>Check if the Participating Tribe will perform this task as part of the Cooperative Agreement</p>	<p><u>Participating Tribe's POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone number: _____</p> <p>Email address: _____</p> <p><u>Buy-Back Program POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p> <p>Email Address: _____</p>	<p>Start Date: _____</p> <p>End Date: _____</p>
	<p>The Project Appraisal Report Task will involve the appraisal of multiple parcels at the same time and will consist of three major parts: 1) the introduction, factual data, and analysis relating to all properties included in the report; 2) individual reports; and 3) addendum and exhibits for all properties. Project appraisals can be used in areas where there are a limited number of sales data and the mass appraisal report is not applicable.</p> <p>The use of the Project Appraisal Report will occur when it is logical to include the appraisal of more than one parcel in a single report and usually occur when there is the acquisition of a large number of parcels of real property, and individual appraisers are assigned to appraise a number of these parcels at the same time. Thus, under certain circumstances, such Project Appraisal Reports may be appropriate. Project Appraisal Reports are not appraisal shortcuts; they are clerical shortcuts.</p>	

	<p>Project Appraisal Reports are appropriate when: 1) all of the parcels appraised are total acquisitions or partial acquisitions of nominal and/or consistent nature; 2) all parcels are vacant or have similar improvements; 3) all parcels are located within a relatively homogeneous geographical area; 4) all parcels have the same, or similar, highest and best use; 5) the most relevant method of valuation is the same for all parcels; and 6) the same array of market data will be relied on in the valuation of each parcel.</p> <p>Project requirements, data standards, and formatting must be carefully planned and coordinated with OAS for this task to ensure appraisals are prepared in accordance with USPAP and that deliverables will be compatible with OASIS. Appraisal timeframes must be coordinated with OAS to provide fair market value estimates that are consistent with the acquisition schedule. Appraisal expertise and experience is required in order to successfully perform this task.</p> <p>For this task, the Buy-Back Program will provide a current listing of the Fractionated Tracts that require appraisal, along with the legal description for each parcel, as it currently exists within TAAMS.</p>	
<p>Task: Conventional Individual Appraisals</p> <div style="border: 1px solid blue; width: 50px; height: 50px; margin: 10px auto;"></div> <p>Check if the Participating Tribe will perform this task as part of the Cooperative Agreement</p>	<p><u>Participating Tribe's POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone number: _____</p> <p>Email address: _____</p> <p><u>Buy-Back Program POC:</u></p> <p>Name: _____</p> <p>Title: _____</p> <p>Address: _____</p> <p>Phone Number: _____</p> <p>Email Address: _____</p>	<p>Start Date: _____</p> <p>End Date: _____</p>
	<p>The Conventional Individual Appraisals Task will provide the Buy-Back Program with an accurate, up-to-</p>	

	<p>date appraisal of specific tracts/parcels on the Reservation as requested. All appraisals developed will require OAS review and approval.</p> <p>Project requirements, data standards, and formatting must be carefully planned and coordinated with OAS to help ensure appraisals are prepared in accordance with USPAP and that deliverables will be compatible with OASIS. Appraisal timeframes must be coordinated with OAS to provide fair market value estimates that are consistent with the acquisition schedule.</p> <p>For this task, the Buy-Back Program will provide a current listing of the tracts and parcels that require an individual appraisal along with the legal description for each parcel as it currently exists TAAMS.</p>
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PHASE IV - Acquisition. The success of the Buy-Back Program will depend on timely and efficiently providing an Offer Packet to Owners who may voluntarily decide to sell their Fractional Interests.

The goal of the Acquisition Phase is to obtain a high rate of return of properly completed Offer Packets from the Owners, sufficient to expend the Purchase Ceiling for the Reservation within the established timeframe.

The Acquisition Phase is highly automated and centralized in order to reduce administrative costs and increase efficiency. This phase will be carried out predominantly by the Buy-Back Program. The Buy-Back Program, through OST and BIA utilizing TAAMS and other existing operations and systems, will mail Offer Packets to Owners, receive and process completed offers, and post payments to IIM accounts. However, there are two tasks associated within the Acquisition Phase that relate back to the Outreach Phase that the Participating Tribe may perform.

1. Pre-Offer Outreach associated with the Acquisition Phase (as discussed within the Outreach Phase).
2. Post-Offer Outreach associated with the Acquisition Phase (as discussed within the Outreach Phase).

Phase IV – Acquisition Phase		
Task: Conduct Pre-Offer Outreach	See Phase I—Outreach Phase: Conduct Pre-Offer Outreach	<p>Start Date: _____</p> <p>End Date: _____</p>

See Phase I—Outreach Phase: Conduct Pre-Offer Outreach and check there.	Conduct Intensive Pre-Offer Outreach. Details of this task are described above under Phase I— Outreach: Conduct Pre-Offer Outreach.	
Task: Contact Information Update See Phase I—Outreach Phase: Conduct Post-Offer Outreach and check there.	See Phase I—Outreach Phase: Conduct Post-Offer Outreach	Start Date: _____ End Date: _____
	Conduct Intensive Post-Offer Outreach. Details of this task are described above under Phase I— Outreach: Conduct Post-Offer Outreach.	

Signature of Authorized Tribal Official

Printed Name

Title

Tribe

Date